

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAURA DAVIS,

Plaintiff,

-against-

SEDGWICK CLAIMS MANAGEMENT  
SERVICES INC.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/12/2022

21-CV-7090 (PGG) (BCM)

**ORDER GRANTING  
STAY OF DISCOVERY**

**BARBARA MOSES, United States Magistrate Judge.**

On January 25, 2022, plaintiff filed her Second Amended Complaint (SAC), alleging claims against defendant for race discrimination and defamation. (Dkt. 28.) On November 16, 2022, defendant moved pursuant to Fed. R. Civ. P. 8(a) and 12(b)(6) to dismiss the SAC. (Dkt. 41.) Defendant's motion also sought a stay of discovery pursuant to Fed. R. Civ. P. 26(c) during the pendency of the motion to dismiss. On November 22, 2022, plaintiff responded to the motion to dismiss by filing a Third Amended Complaint (TAC) (Dkt. 44), which the Court has construed as a motion to amend, pursuant to Fed. R. Civ. P. 15(a)(2), because plaintiff did not obtain the Court's leave or defendant's consent for the amendment before filing the TAC. (Dkt. 45.) On November 29, 2022, plaintiff filed a brief in opposition to the motion to dismiss (Dkt. 46), in which she also sought reconsideration of my order construing the TAC as a motion for leave to further amend. However, plaintiff did not oppose the requested discovery stay. On December 6, 2022, defendant filed its reply brief (Dkt. 47), noting that non-opposition.

Given the pendency of a "potentially dispositive motion" that "appears to have substantial grounds," *Johnson v. New York Univ. School of Educ.*, 205 F.R.D. 433, 434 (S.D.N.Y. 2002) (quoting *In re Currency Conversion Fee Antitrust Litig.*, 2002 WL 88278, at \*1 (S.D.N.Y. Jan. 22, 2002)) (internal quotation marks and brackets omitted), and in light of plaintiff's non-opposition,

the branch of defendant's motion requesting a discovery stay is hereby GRANTED. Discovery in this action is hereby STAYED pending the outcome of the pending motions to dismiss and for leave to amend, or further order of the Court.

Dated: December 12, 2022  
New York, New York

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

**BARBARA MOSES**  
**United States Magistrate Judge**